<u>**REMARKS**</u>

This Amendment and Response to Final Office Action is being submitted in response to the final Office Action mailed November 28, 2006. Claims 1-19 are pending in the Application.

Claims 1-10, 14, 15, and 17-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,412,652 ("Lu") in view of U.S. Patent App. 2003/0086368 A1 ("Limaye"), and in further view of U.S. Patent No. 6,292,463 B1 ("Burns"). Claims 11-13 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lu in view of Limaye, and further in view of Burns, and still further in view of U.S. Patent No. 6,343,083 B1 ("Mendelson").

In response to these rejections, Claims 1, 14, 18, and 19 have been amended to further clarify the subject matter which Applicants regard as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments, reconsideration of the Application is respectfully requested, without further search, in view of the following remarks.

<u>**Rejection of Claims 1-10, 14, 15, and 17-19 Under 35 U.S.C. §103(a) –
Lu, Limaye, and Burns**</u>

Claims 1-10, 14, 15, and 17-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,412,652 ("Lu") in view of U.S. Patent App. 2003/0086368 A1 ("Limaye"), and in further view of U.S. Patent No. 6,292,463 B1 ("Burns").

Examiner states "Limaye discloses a SONET/SDH Mesh architecture that restores quickly after a failure of a network element (in particular, see Fig. 1; Abstract, lines 1-2; paragraphs 28-31).[1] However, Limaye specifically states in paragraph 29 "each node is

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[1] Final OA, November 28, 2006, page 3

connected by a logical communications link with at **least two other nodes** (emphasis added)."[2] Examiner states "one skilled in the art would have been motivated to make the combination between Lu and Limaye because by fabricating a mesh network as a plurality of interlocking ring networks, a protected service can be restored in the event of a failure..."[3]

Applicants respectfully note that the present invention does not require interlocking ring networks to restore a protected service. Accordingly, Applicants have amended independent Claims 1, 14, 18, and 19 to include the limitation that the network is arranged in a mesh structure **in which each node is connected to one or more other nodes.** Applicants respectfully submit that Lu in view of Limaye and Burns does not teach a method for creating a permanent sub-network connection or deallocating resources in a network of connected nodes where the network is arranged in a mesh structure in which each node is connected to one or more other nodes.

Additionally, a new limitation has been added to further clarify the permanent sub-network connection of the present invention. Specifically, the limitation:

> **wherein the permanent sub-network connection comprises a permanent grouping of one or more SONET/SDH paths that pass through a node in the network which is set up and torn down with a signaling and routing protocol**

has been including in independent Claims 1, 14, 18, and 19. Applicants respectfully submit that Lu in view of Limaye and Burns does not teach or suggest a permanent sub-network connection as disclosed by Applicants.

Specifically, Claim 1 has been amended to recite:

1.   A method for creating a permanent sub-network connection in a network of connected nodes, the method comprising:

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[2] Limaye, U.S. Pat. Appl. No. 2003/0086368 A1, ¶ [0029]
[3] Final OA, November 28, 2006, page 4

defining a route including a working path for a permanent sub-network connection in the network of nodes from an ingress node to an egress node, wherein the network of nodes are arranged in a mesh structure *in which each node is connected to one or more other nodes;*

defining a time out period to be associated with the permanent sub-network connection and initiated in response to the detection of a failure in the permanent sub-network connection, the time out period defining a time over which the failure in the permanent sub-network connection is permitted to be corrected prior to a tear down of the permanent sub-network connection;

provisioning the route;

distributing a route description to each node along the route from the ingress node to the egress node; and

configuring each node along the route in accordance with the route description to provide data traffic services from the ingress node to the egress node;

wherein the permanent sub-network connection comprises a permanent grouping of one or more SONET/SDH paths that pass through a node in the network which is set up and torn down with a signaling and routing protocol.

Similarly, an amendment adding the limitation of "wherein the network of nodes are arranged in a mesh structure *in which each node is connected to one or more other nodes;*" and the limitation clarifying the permanent sub-network connection has been made to independent Claims 14, 18, and 19.

Therefore, Applicants submit that the rejection of Claims 1-10, 14, 15, and 17-19 under 35 U.S.C. §103(a) has now been traversed and respectfully request that this rejection be withdrawn and that the claims be allowed.

Rejection of Claims 11-13 and 16 Under 35 U.S.C. §103(a) –
Lu, Limaye, Burns, and Mendelson

Claims 11-13 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lu in view of Limaye, and further in view of Burns, and still further in view of U.S. Patent No. 6,343,083 B1 ("Mendelson"). Claims 11-13 are dependent claims depending from Claim 1 or an intervening claim. Claim 16 is a dependent claim depending from Claim 14 or an intervening

claim. The above amendments made to and arguments made with respect to Claims 1 and 14 apply with equal force here.
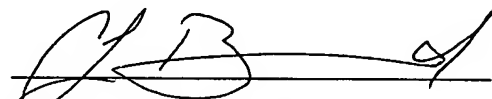
Therefore, Applicants submit that the rejection of Claims 11-13 and 16 under 35 U.S.C. §103(a) has now been traversed and respectfully request that this rejection be withdrawn and that the claims be allowed.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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